

CO-ORDINATION OF THE PRIVILEGES AND IMMUNITIES OF THE  
UNITED NATIONS AND OF THE SPECIALIZED AGENCIES\*

(Item 37 of the Provisional Agenda of the Second Regular Session)

Report of the Secretary-General

In Resolution 22 (I) D of 13 February 1946, the General Assembly stated that there were many advantages in unifying as far as possible the privileges and immunities enjoyed by the United Nations and the various specialized agencies. While recognizing that some of the specialized agencies, by reason of their particular functions, required privileges of a special nature, the General Assembly considered that the privileges and immunities of the United Nations should be regarded, as a general rule, as a maximum within which the specialized agencies should enjoy such privileges and immunities as the appropriate fulfilment of their respective functions might require.

Therefore, the General Assembly instructed the Secretary-General "to open negotiations with a view to the reconsideration, in the light both of the General Convention adopted by the United Nations and the considerations above, of the provisions under which the specialized agencies at present enjoy privileges and immunities".

The problem of the unification of the privileges and immunities of the various specialized agencies which have already been or will be brought into relationship with the United Nations in the near future, in pursuance of Article 57 of the Charter, is complex in nature. The basic instruments of

\* The specialized agencies with which agreements have already been concluded are the following: the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the International Civil Aviation Organization.

The Economic and Social Council, in conformity with the terms of Article 63 of the Charter, has, at its fifth session, negotiated draft agreements with the following international organizations: the World Health Organization, the Universal Postal Union, the International Telecommunications Union, the International Monetary Fund and the International Bank for Reconstruction and Development. These draft agreements are being submitted to the General Assembly for approval at its second regular session.

some of those organizations enumerate and define in detail the privileges and immunities granted and these, more particularly in the case of the International Monetary Fund and the International Bank for Reconstruction and Development, exceed, in certain respects, the limits of the General Convention on the Privileges and Immunities of the United Nations.

On the other hand, the basic instruments of certain specialized agencies merely enunciate the principle that these organizations enjoy the privileges and immunities necessary for them to attain their objectives, leaving it to later agreements to enumerate and define these privileges. In this connection, a draft convention on the privileges and immunities of the International Labour Organization was prepared and submitted as early as 1946 to the twenty-sixth Session of the Conference of that Organization. Other specialized agencies intended to adopt a similar procedure.

In these circumstances the problem of unification assumed two different aspects:

1. On the one hand, it seemed necessary to insure that the provisions of new conventions to be drafted did not deviate from the general outline laid down in the General Assembly resolution on the privileges and immunities of the United Nations;
2. On the other hand, the proceedings both of the General Assembly and of the Preparatory Commission show that a revision of the text of the basic instrument of each of the specialized agencies had been contemplated.

In pursuance of the resolution of 13 February 1946, the Secretary-General consulted the various specialized agencies. Two preliminary meetings were held at Lake Success on 6 and 7 March 1947, which were attended by representatives of the United Nations Secretariat, and of the Secretariats of the specialized agencies, as well as of the International Monetary Fund, the International Bank for Reconstruction and Development and the Interim Commission of the World Health Organization.

The Secretary-General subsequently also contacted the Universal Postal Union and the International Telecommunications Union.

It became clear from the preliminary discussions that the problem of unification would be greatly facilitated by the adoption of a single Convention text, which would apply without distinction to all the specialized agencies and would lay down the general privileges and immunities required by those organizations, while reserving the special privileges which might be needed because of the particular functions of any individual agency.

It was unanimously agreed that the adoption of a single instrument presents the best method for co-ordination and unification; it also facilitates greatly the task of the Parliaments of the States which have to accede to the

instruments, since it makes it unnecessary for them to examine and study a number of separate conventions and enables them to approve forthwith a general text covering the various specialized agencies.

The representatives of some international organizations more particularly those of the International Monetary Fund and the International Bank for Reconstruction and Development, while agreeing with the principle of having a single convention, were nevertheless anxious to make it clear that the privileges which had already been conferred upon them by their basic instruments must remain intact. They pointed out that these instruments had already been ratified by the Member States and could be modified only by the parties thereto themselves; no general convention to be adopted could of itself have the effect of detracting from these privileges.

In these circumstances a single draft convention prepared by the Secretariat of the United Nations was considered and discussed at the meetings held on 6 and 7 March 1947.

The first question which arose was that of determining the procedure to be followed for the adoption of the draft general convention. Two methods that could be envisaged in this connection:

1. the discussion and adoption by the General Assembly of the United Nations of a convention to be submitted later, for their accession, to the States Members of the United Nations, to States Members of the specialized agencies which are not Members of the United Nations, and to the specialized agencies themselves;
2. the convening of a general conference of all the States Members of the various specialized agencies, which the specialized agencies themselves would be invited to attend in a consultative capacity so as to enable them to submit any observations and suggestions that might be useful. This conference would discuss and adopt the text of a convention which it would propose for accession by the States Members of the United Nations and by States members of the specialized agencies which are now Members of the United Nations.

The representatives of the specialized agencies felt that the second method was preferable because it enabled the latter and those of their members which were not yet Members of the United Nations, to participate more fully in the drafting and discussion of the Convention.

Moreover, the first method entailed later accession by the specialized agencies. Some of the organizations concerned considered that the need for formal accession by the specialized agencies and the delays and difficulties which this method would inevitably entail could be avoided if the Convention were adopted by a conference at which all the interested parties were represented.

/It remains

It remains for the General Assembly of the United Nations to take the final decision on the procedure to be followed. If it were to decide in favour of holding a general conference of the specialized agencies, it would be advisable to convene the conference in New York during the closing days of the General Assembly and so save most of the representatives a special journey, thus reducing the expenses to a minimum.

Since the meetings in March 1947, the United Nations Secretariat has received certain comments and suggestions on the original draft convention. The International Labour Organization reported that the draft had been submitted to its Conference, which met in Geneva between 19 June and 11 July 1947, and that the latter had decided to "suspend taking any further action on the proposed convention on privileges and immunities of the International Labour Organization in order to permit of the adoption under the auspices of the United Nations of a single general Convention on the privileges and immunities of the specialized agencies". The draft general Convention submitted was considered acceptable though a reservation was made on the clause concerning denunciation - a clause which has since been amended to meet the wishes of the International Labour Organization. This Organization also formally approved the procedure of adopting the Convention at a special conference. Similarly, the International Civil Aviation Organization has indicated that its first General Assembly has approved the draft Convention in principle as a basis of discussion for the adoption of a final convention, either by a general conference of the Members of the United Nations and the specialized agencies or by the United Nations General Assembly. The Director-General of the United Nations Educational, Scientific and Cultural Organization, after having submitted the draft to the Executive Committee, has agreed to the method whereby a single instrument would be adopted at a special conference; this procedure was in harmony with the wishes expressed by the UNESCO Conference and seemed the most expedient method of ensuring the desired unification in regard to privileges and immunities. The Food and Agriculture Organization will submit the draft to its General Assembly which will meet on 25 August 1947.

A second meeting of the representatives of the specialized agencies was held at Lake Success on 23 July 1947, and a draft amended in accordance with the observations and proposals made was adopted. This draft, which is now being submitted to the United Nations General Assembly (see Annex) falls strictly within the framework of the Convention on Privileges and Immunities of the United Nations, and reproduces most of its provisions. As, however, this instrument is to apply to the various specialized agencies which have already been or will be brought into relationship with the United Nations, provision had to be made for a special procedure for accession

/whereby

whereby the Convention could be extended to cover any new agencies which might be brought into relationship with the United Nations, or limited to certain specialized agencies designated by name. This procedure is provided for in the final article of the draft.

It should be mentioned in this connection that the representatives of the Bank and the Fund held the view that the benefits of the Convention should be extended to all the international organizations represented at the Lake Success meetings without it being necessary to adopt the criterion in Article 57 of the Charter, and to stipulate that the Convention would apply to the specialized agencies only after they had been brought into relationship with the United Nations. Moreover, the draft submitted makes no provision for formal accession by the specialized agencies. As was pointed out at the beginning of this report, most of the organizations concerned have considered it preferable not to specify that they are parties to the Convention. The question of the approval of the Convention by the respective assemblies of the specialized agencies has, however, not yet been finally settled.

#### Special Observations

1. The initial draft prepared by the Secretariat of the United Nations referred to the legal personality and to the capacity of the specialized agencies. This capacity, however, was granted within the limits of the purposes envisaged in the respective basic instruments. The debates showed that any such limitation might lead to discussions in the courts on the subject of the purposes and aims of the specialized agencies. In these circumstances, most of the organizations concerned asked for the deletion from the General Convention of any reference to legal personality as they preferred to rely on the appropriate provisions of the basic instruments.
2. As some of the specialized agencies may be called upon to institute legal proceedings and must, because of their special functions, be liable, in certain cases, to service of process, it has been provided in section 4 of the draft Convention that immunity from legal process shall apply only within the limitations provided for in the basic instrument of each specialized agency whenever such instrument contained formal and specific restrictions in this respect.
3. As regards personal immunity, it had to be borne in mind that the Executive Council or Board of some specialized agencies may include members who are not representatives of States. This is the case as regards the International Labour Organization. Article IV of the draft general Convention has accordingly been drafted so as to include all members of Executive Councils.
4. In conformity with section 28 of the Convention on the Privileges and

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Immunities of the United Nations, whereby the provisions regarding United Nations laissez-passer may be applied to the officials of specialized agencies, the draft Convention provides that officials of specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies. Article VII of the draft gives the officials and experts of specialized agencies the same privileges in this respect as are granted to officials and experts of the United Nations.

5. Section 40 of the draft provides that the Convention shall not prejudice the privileges and immunities accorded to specialized agencies either by virtue of their basic instruments or by reason of the special nature of their functions. It should be recalled in this respect that Resolution 22 (I) D of 13 February 1946 expressly referred to the special privileges which may be needed by certain specialized agencies. Moreover, it is certain that the provisions contained in the various basic instruments could only be modified by special agreement with the States which are parties to them.

The draft Convention, while establishing the standard immunities needed by the various specialized agencies, at the same time makes it easier to define the special immunities required for discharging the particular functions of any of the organizations concerned. It will thus facilitate the task of revising the provisions already in force and of formulating the recommendations to be made in this connection.

ANNEX  
CONVENTION ON THE PRIVILEGES AND IMMUNITIES  
OF THE SPECIALIZED AGENCIES

WHEREAS the specialized agencies which have already been or will be brought into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter should enjoy such privileges and immunities as are necessary for the independent exercise of their functions;

DESIROUS of giving effect to the Resolution adopted by the General Assembly of the United Nations on 13 February 1946 contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies;

WHEREAS for the purpose of implementing the aforesaid resolution, consultations have taken place between the Secretary-General of the United Nations and representatives of the specialized agencies;

THEREFORE, by a Resolution adopted on . . . . . the Conference on the Privileges and Immunities of the specialized agencies has approved the following Convention and proposed it for accession by all Members of the United Nations or any other Member of a specialized agency.

ARTICLE I  
DEFINITION

Section 1

In this Convention the term "specialized agency" means an agency referred to in Article 57 of the Charter, which has been brought into relationship with the United Nations in accordance with the provisions of Article 63 of the Charter.

ARTICLE II  
PROPERTY, FUNDS AND ASSETS

Section 2

The specialized agencies, their property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

#### Section 4

The immunities provided for in Sections 2 and 3 of the present Article shall apply only within the limitations provided for in the basic instrument of each specialized agency whenever such instrument contains formal and specific restrictions in this respect.

#### Section 5

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable wherever located.

#### Section 6

Without being restricted by financial controls, regulations or moratoria of any kind,

- (a) the specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the specialized agencies shall be free to transfer their funds, gold or currency from one country to another or within any country and to convert any currency held by them into any other currency.

#### Section 7

In exercising their rights under Section 6 above, the specialized agencies shall pay due regard to any representations made by the Government of any acceding State insofar as it is considered that effect can be given to such representations without detriment to their interests.

#### Section 8

The specialized agencies, their assets, income and other property shall be:

- (a) exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;
- (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of their publications.

#### Section 9

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of

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property on which such taxes have been charged or are chargeable, acceding States will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

### ARTICLE III

#### FACILITIES IN RESPECT OF COMMUNICATIONS

##### Section 10

The specialized agencies shall enjoy in the territory of each acceding State for their official communications treatment not less favourable than that accorded by the Government of such State to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

##### Section 11

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to despatch and receive correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this Section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between an acceding State and a specialized agency.

### ARTICLE IV

#### THE REPRESENTATIVES OF MEMBERS AND MEMBERS OF GOVERNING BODIES

##### Section 12

Representatives of Members at meetings convened by a specialized agency and members of its governing body shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary

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official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

#### Section 13

In order to secure for the representatives of Members of the specialized agencies at meetings convened by them and for members of their governing bodies complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

#### Section 14

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members of the specialized agencies at meetings convened by them; and the members of their governing bodies are present in a State for the discharge of their duties shall not be considered as periods of residence.

#### Section 15

Privileges and immunities are accorded to the persons coming within the scope of this Article, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the specialized agencies. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representative in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

In like manner, the governing body of the specialized agency not only has the right but is under a duty to waive the immunity of any member of such governing body who is not representative of a State in any case where, in the opinion of the governing body, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

#### Section 16

The provisions of Sections 12, 13 and 14 are not applicable in relation to the authorities of a State of which the person is a national

/or of which

or of which he is or has been a representative.

#### Section 17

In this Article the expression "representatives" shall be deemed to include all delegates, alternates, advisers, technical experts and secretaries of delegations, and the term "members of their governing bodies" shall include any deputy or alternate members thereof.

### ARTICLE V

#### OFFICIALS

#### Section 18

In this Convention, the term "Executive head" means the director-general or official of comparable rank of each specialized agency, and the term "assistant executive heads" means the assistant directors-general or officials of comparable rank of each specialized agency.

#### Section 19

The Executive head of each specialized agency will specify the categories of officials to which the provisions of this Article and of Article VII shall apply. He shall submit these categories to the governing body of the specialized agency concerned and shall communicate them thereafter to the governments of all Members and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the governments of Members.

#### Section 20

Officials of the specialized agencies shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the specialized agency;
- (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (d) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming parts of diplomatic missions to the governments concerned;
- (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (f) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

#### Section 21

The officials of the specialized agencies shall be exempt from national  
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service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the Executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned, shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

#### Section 22

In addition to the immunities and privileges specified in Sections 20 and 21, the Executive head and assistant executive heads of the specialized agencies shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with the international law.

#### Section 23

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. The Executive head of each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency. In the case of the Executive head, the governing body of the specialized agency shall have the right to waive immunity.

#### Section 24

Each specialized agency shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

### ARTICLE VI

#### EXPERTS ON MISSIONS FOR THE SPECIALIZED AGENCIES

#### Section 25

Experts (other than officials coming within the scope of Article V) performing missions for a specialized agency shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

/(a) immunity

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for a specialized agency;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the specialized agency concerned, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

#### Section 26

Privileges and immunities are granted to experts in the interests of the specialized agencies and not for the personal benefit of the individuals themselves. The Executive head of each specialized agency concerned shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the specialized agency.

#### ARTICLE VII

#### LAISSEZ-PASSER

#### Section 27

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each acceding State of each administrative arrangement so concluded.

#### Section 28

States acceding to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents.

#### Section 29

Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a  
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certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

#### Section 30

Similar facilities to those specified in Section 29 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of a specialized agency.

#### Section 31

The Executive heads, Assistant Executive heads, heads of departments and officials of comparable rank of the specialized agencies travelling on United Nations laissez-passer on the business of the specialized agencies shall be granted the same facilities as are accorded to diplomatic envoys.

### ARTICLE VIII

#### SETTLEMENT OF DISPUTES

#### Section 32

Each specialized agency shall make provision for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private law character to which the specialized agency is a party;
- (b) disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Section 23.

#### Section 33

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

### FINAL ARTICLE

#### Section 34

This Convention is submitted to every Member of the United Nations and to every Member of one or more specialized agencies for accession.

#### Section 35

Accession shall be effected by deposit of an instrument with the

/Secretary-General

Secretary-General of the United Nations, and the Convention shall come into force as regards each acceding State on the date of deposit of its instrument of accession.

#### Section 36

Subject to the provisions of paragraph 2 of this Section, each acceding State undertakes to apply the present Convention to all specialized agencies which, at the time of the deposit of its instrument of accession, fall within the scope of the definition given in Section 1 of Article I.

Each acceding State may, however, at the time of accession, designate those specialized agencies to which it undertakes to apply the provisions of the present Convention.

Each acceding State may subsequently, by a declaration communicated to the Secretary-General of the United Nations, extend the provisions of the present Convention to any specialized agency brought into relationship with the United Nations in conformity with Article 63 of the Charter, after the deposit of its instrument of accession, or which, though already brought into relationship with the United Nations, was not included in the designation provided for in the preceding paragraph.

#### Section 37

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all Members of any of the specialized agencies and the specialized agencies themselves, of the deposit of each accession. He shall also communicate to them the designation and declarations provided for in the foregoing section.

#### Section 38

It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this Convention.

#### Section 39

Subject to the provisions of paragraph 2 of this Section, each acceding State undertakes to apply the present Convention, in conformity with the provisions of Section 36, until such time as a revised Convention shall have been approved and the said State shall have become a party to this revised Convention.

Each acceding State, however, which is not or has ceased to be a member of a specialized agency, may decide to withhold from that specialized agency the benefits of the present Convention. The Secretary-General of the United Nations shall be notified in writing of such a decision. The notification shall take effect three months from the date of receipt.

/The Secretary-General

The Secretary-General of the United Nations shall inform all States acceding to the Convention and each of the specialized agencies concerned of any notification transmitted to him under the preceding paragraph.

Section 40

The provisions of this Convention shall not in any way limit or prejudice the privileges and immunities which have been or may hereafter be accorded by any acceding State to any specialized agency in its basic instrument or by reason of the special nature of its functions or the location of its head office or regional offices.

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